



**Item From Council  
CITY OF AUSTIN  
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.: 59  
AGENDA DATE: Thu 03/02/2006  
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**Item From Council**

**Posting Language:** Conduct a public hearing and approve an ordinance amending Chapter 10-3 of the City Code relating to food and food handlers to permit dogs in outdoor dining areas of food service establishments.

**Proposed meeting date:** THU 03/02/2006

**Sponsor:** Council Member Jennifer Kim

**Co-sponsor 1:** Council Member Brewster  
McCracken

**Co-sponsor 2:** Council Member Lee Leffingwell

**Date by which the City Manager is requested to report back to Council:**

**Draft Resolution/Ordinance attached:**

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**ORDINANCE NO.**

**AN ORDINANCE AMENDING CHAPTER 10-3 OF THE CITY CODE RELATING TO FOOD AND FOOD HANDLERS TO PERMIT DOGS IN OUTDOOR DINING AREAS OF FOOD SERVICE ESTABLISHMENTS.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** Section 10-3-2(B) (*Compliance Required*) of the City Code is amended to read:

- (B) A person operating a food establishment, vending machine, or bed and breakfast limited shall comply with this chapter and, except as provided in Section 10-3-124 (*Dogs Permitted In Outdoor Dining Areas*), with Texas Administrative Code Title 25, Part 1, Chapter 229, Subchapter K (*Texas Food Establishments*).

**PART 2.** Chapter 10-3 of the City Code is amended to add Section 10-3-124 to read:

**§ 10-3-124 DOGS PERMITTED IN OUTDOOR DINING AREAS.**

A food service establishment may permit a customer to be accompanied by a dog in an outdoor dining area if:

- (1) the customer keeps the dog on a leash and controls the dog;
- (2) the customer does not allow the dog on a seat, table, countertop, or similar surface; and
- (3) the food service establishment does not prepare food in the dining area.

**PART 3.** This ordinance takes effect on \_\_\_\_\_, 2006.

**PASSED AND APPROVED**

\_\_\_\_\_, 2006

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§  
§

\_\_\_\_\_  
Will Wynn  
Mayor

**APPROVED:** \_\_\_\_\_  
David Allan Smith  
City Attorney

**ATTEST:** \_\_\_\_\_  
Shirley A. Gentry  
City Clerk



**MEMORANDUM**

**TO:** Toby Futrell, City Manager  
**FROM:** Greg Canally, Budget Officer *gdc*  
**DATE:** February 16, 2006  
**SUBJECT:** Dogs on Patios

Item # 28 on the February 16, 2006 Council Agenda is to approve an ordinance amending Chapter 10-3 of the City Code relating to food and food handlers to permit dogs in outdoor dining areas of food service establishments. This item has no unanticipated fiscal impact. A budget amendment is not required.